

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Axcan Pharma US, Inc.,

Civil No. 09-1062 (RHK/JSM)

Plaintiff,

**ORDER**

vs.

Ethex Corporation, KV Pharmaceutical  
Company,

Defendants.

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Based upon the Stipulated and Joint Motion to Dismiss Without Prejudice (Doc. No. 169), **IT IS ORDERED** that Plaintiff Axcan Pharma US, Inc.'s claims against Defendants KV Pharmaceutical Company and Ethex Corporation are hereby **DISMISSED WITHOUT PREJUDICE** and without costs or attorneys' fees to any party.

Dated: August 6, 2009

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge